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| 10/691,993 | 10/22/2003 | J. Scott Mulligan | 4860P3194 | 2453 |
| 8791 7590 12/11/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040 | | | | |
| EXAMINER | | | | |
| YAARY, MICHAEL D | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2193 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,993

Applicant(s)

MULLIGAN ET AL.

Examiner

MICHAEL YAARY

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-45 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo et al. (hereafter Crespo)(US Pat. 6,854,112) in view of Tigani et al. (hereafter Tigani)(US Pat. 7,249,354).
4. **As to claims 1, 11, 17, 21, 26, 30, 32, 34, 38, 40, 42, and 44**, Crespo discloses a machine readable medium containing executable computer program instructions which when executed by a data processing system cause said system to perform a method to set software installed on a storage device of the data processing system (abstract), the method comprising:

Automatically searching for a configuration information that includes one or more parameters to configure the software (column 5, lines 31-39);

Configuring the software installed on the storage device of the data processing system for operation of the data processing system according to the one or more parameters contained in the configuration information (column 5, lines 31-39 and column 6, lines 19-28).

Crespo does not disclose searching a plurality of locations; determining whether the configuration information is present at a first location; and continuing the searching in one or more second locations for the configuration information if the configuration is not present at the first location.

However, Tigani discloses searching a plurality of locations; determining whether the configuration information is present at a first location; and continuing the searching in one or more second locations for the configuration information if the configuration is not present at the first location (In an analogous art, Tigani discloses a target computer obtaining software for a server (abstract). Furthermore, Tigani discloses identifying a specific server location where the software is obtained from (column 2, lines 33-45 and figure 2), thus searching one or more locations for software data.).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Crespo, by utilizing the software location identification, as taught by Tigani, for the benefit of obtaining different software configurations efficiently as the use of a plurality of locations would allow for the obtaining of different types of software configurations.

5. **As to claims 2 and 3**, the combination of Crespo and Tigani disclose the configuration information comprises:

A decryption key and encrypted configuration information decryptable with the decryption key (Tigani, column 6, lines 4-25).

6. **As to claims 4 and 24**, the claim is rejected for similar reasons as claim 1 above and the combination of Crespo and Tigani further discloses the plurality of locations comprises one default location on a storage device attached fixedly and locally to the data processing system, and wherein the automatically searching is in response to installing the software (Tigani, column 7, lines 14-62).

7. **As to claims 5 and 25**, the combination of Crespo and Tigani discloses one location in a removable medium locally attached to the data processing system (Crespo, column 3, lines 3-10).

8. **As to claim 6**, the combination of Crespo and Tigani discloses a remote location accessible to the data processing system through a network connection (Tigani, figure 2).

9. **As to claims 18, 19, 31, and 39**, the claim is rejected for similar reasons as claim 2 above.

10. **As to claims 7, 12, 15, 22, 27, 29, 33, 35, 41, and 43**, the combination of Crespo and Tigani discloses the software is a portion of an operating system of the data processing system (Crespo, abstract).

11. **As to claim 8**, the combination of Crespo and Tigani disclose determining a plurality of identifications of the data processing system; wherein said searching uses the plurality of identifications to find configuration information suitable for the data processing system (Crespo, column 5, line 31-column 6, line 28).

12. **As to claims 9 and 10**, the combination of Crespo and Tigani disclose the plurality of identifications comprise one of: a network address of the data processing system; a host name of the data processing system; a hardware serial number of the data processing system; and a hardware address of a network interface device of the data processing system (Crespo, column 5, lines 11-30).

13. **As to claim 13**, the claim is rejected for similar reasons as claim 9 above.

14. **As to claim 14**, the combination of Crespo and Tigani discloses the configuration information comprises one of: user account information; a time zone information; keyboard information; and a default language (Crespo, column 11, lines 20-26).

15. **As to claim 16**, the combination of Crespo and Tigani discloses a license key for the software (Tigani, column 6, lines 4-25).

16. **As to claim 20**, the combination of Crespo and Tigani discloses the plurality of locations comprises one of:

A removable storage device locally attached to the data processing system; a predetermined location in a file volume in a file system of the data processing system; and a database on a remote data processing system accessible to the data processing system through a network connection (Tigani, column 2, lines 33-45 and figure 2).

17. **A to claims 23 and 45**, the claims are rejected for similar reasons as claim 20 above.

18. **As to claims 28 and 36**, the combination of Crespo and Tigani discloses automatically obtaining a network address of the directory server from a server on a local area network; and configuring a network interface device of the data processing system to use the network address; wherein said querying uses the address of the directory server and the network interface device which is configured to use the network address (Tigani, column 6, lines 43-53).

19. **As to claim 37**, the combination of Crespo and Tigani discloses the one or more services comprises one of:

Email; printer; firewall; web; password; multimedia stream; and file sharing (Crespo, column 2, line 50-column 3, line 58).

Response to Arguments

20. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL YAARY whose telephone number is (571)270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193